

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE FOREIGN EXCHANGE BENCHMARK	:	
RATES ANTITRUST LITIGATION.	:	13 Civ. 7789 (LGS)
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		<u>ORDER</u>

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 22, 2022, Defendants Credit Suisse AG, Credit Suisse Group AG, Credit Suisse Securities (USA) LLC (“Credit Suisse”) filed a motion to decertify the class;

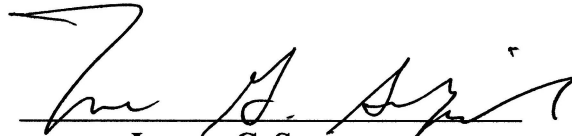
WHEREAS, on April 22, 2022, and May 13, 2022, the parties filed letter motions to seal exhibits filed with their memoranda of law. Dkt. Nos. 1676, 1677, 1683, 1684. It is hereby

ORDERED that the motion to seal is GRANTED. The documents filed at Docket No. 1677 and 1684 shall remain sealed, and only the parties and individuals identified in the attached Appendix will have access. Although “[t]he common law right of public access to judicial documents is firmly rooted in our nation’s history,” this right is not absolute, and courts “must balance competing considerations against” the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc’ns., Inc.*, 435 U.S. 589, 599 (1978) (“[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.”). Filing the documents with redactions in that redacted form is necessary to prevent unauthorized dissemination of personal information, including personal information pertaining to individuals subject to foreign data privacy regimes. Filing the deposition transcripts under seal is necessary to prevent the disclosure of confidential business information that was not relied upon by any party or the Court in briefing or deciding the instant motion and thus is subject to a weaker presumption of public access, but is included in the exhibits only because it is adjacent to the relevant portions. Filing the excerpts under seal

rather than in redacted form is necessary to avoid speculation and misleading inferences about what might be redacted, particularly because the public will have access to descriptions of any relevant material in the parties' memoranda of law and the Court's Opinion and Order.

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 1676, 1683.

Dated: September 1, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE